

**To:** Jennifer Brooke-Davidson [Personal Email/Ex. 6]  
**Cc:** Schmittziel, Paula[Schmittziel.Paula@epa.gov]; Wall, Dan[wall.dan@epa.gov]  
**From:** Fagen, Elizabeth  
**Sent:** Thur 5/14/2015 7:05:08 PM  
**Subject:** RE: Safety Liability Concerns - EPA Sampling near Silverton

Hi Jennifer,

I am checking in again to see if you had any outstanding questions or concerns about the access agreement that I emailed last week. We are hoping to collect sampling the week of June 8<sup>th</sup>.

I look forward to hearing from you regarding access to the two mine claims described in the access request letter.

Thank you!

Liz

Liz Fagen, P.E.

Environmental Engineer

US EPA Superfund Project Manager

(303) 312-6095

EPA Region 8

1595 Wynkoop St., Denver, CO 80202

**From:** Fagen, Elizabeth  
**Sent:** Thursday, May 07, 2015 6:01 PM  
**To:** 'Jennifer Brooke-Davidson'  
**Cc:** Schmittziel, Paula; Wall, Dan  
**Subject:** RE: Safety Liability Concerns - EPA Sampling near Silverton

Hi Jennifer,

The King mine claim is near the confluence of the upper Animas River and Picayune Gulch. We're looking at the water quality at that confluence. I've updated the request letter and access form with the correct information. Please let me know if you have any other questions.

Thank you!

Liz

Liz Fagen, P.E.

Environmental Engineer

US EPA Superfund Project Manager

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**From:** Jennifer Brooke-Davidson [mailto:[Personal Email/Ex. 6](#)]  
**Sent:** Thursday, May 07, 2015 9:51 AM  
**To:** Fagen, Elizabeth  
**Subject:** Re: Safety Liability Concerns - EPA Sampling near Silverton

Hello, Elizabeth.

The only major question I have is: where is the "King" claim? I know where "Old Domingo" is.

It's been a while since I have reviewed the plats - we are talking decades - and I don't recall the "King".

A few other technical matters: My name is Jennifer Brooke-Davidson. I am not the owner of the property; I am the Trustee for the Jones Mountain Trust.

Let me know about the King.

Jennifer+

On Thu, May 7, 2015 at 10:25 AM, Fagen, Elizabeth <[Fagen.Elizabeth@epa.gov](mailto:Fagen.Elizabeth@epa.gov)> wrote:

Hi Jennifer,

I was wondering if you had a chance to review the consent form I sent over a couple of weeks ago? Please let me know if you have any questions.

Thanks,

Liz

Liz Fagen, P.E.

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**From:** Jennifer Brooke-Davidson [mailto:Personal Email/Ex. 6]  
**Sent:** Thursday, April 23, 2015 11:13 AM  
**To:** Fagen, Elizabeth  
**Cc:** Schmittziel, Paula; Wall, Dan; Rudy, Michael; Madigan, Andrea  
**Subject:** Re: Safety Liability Concerns - EPA Sampling near Silverton

Thank you, Elizabeth. I am reviewing the document and will get back to you next week.

Have a great weekend.

Jennifer Brooke-Davidson+

On Tue, Apr 21, 2015 at 1:44 PM, Fagen, Elizabeth <[Fagen.Elizabeth@epa.gov](mailto:Fagen.Elizabeth@epa.gov)> wrote:

Hi Jennifer,

I was able to connect to our EPA attorneys regarding your question and concern related to liability due to safety and injury of workers on your property. We have a site specific health and safety plan in place that outlines all of the potential hazards and mitigations. As federal employees and federal contractors, we are covered under FECA and workmen's compensation insurance. The Federal Employees Compensation Act (FECA), 5 USC §8101 et seq., provides compensation to federal employees for work injuries that occur within the performance of duties.

I've included the Request for Access and Consent for Access form that I mailed you last week. Please let me know if this answers your questions pertaining to liability. If you have additional questions, we'd be happy to set up a time to speak with our legal department via a conference call.

Thank you for your help!

Liz

Liz Fagen, P.E.

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